

## REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### Claim Objections

The Examiner has objected to claims 23-31, 50-55 and 63-64.

Applicants respectfully submit that claims 23 and 50 have been amended to overcome the rejections, but adopting the Examiner's suggestions. Accordingly, Applicants respectfully request that the objections be withdrawn.

### 35 U.S.C. § 101 Rejection

The Examiner has rejected claims 32-40 under 35 U.S.C. § 101.

Applicants respectfully submit that claim 32 has been amended to overcome the rejection. Firstly, claim 32 has been amended to make it clear that claim 32 is a method performed by a **particular apparatus**. The particular apparatus comprises a wireless modem including an RF transceiver, a processor coupled with the RF transceiver, a non-volatile memory coupled with the processor, a volatile memory coupled with the processor, and a **wireless protocol stack means**. In addition, claim 32 recites operations that effectively **transform the equipment to a different state**.

Accordingly, Applicants respectfully requests that the Examiner withdraw the rejection.

### 35 U.S.C. § 101 Rejection

The Examiner has rejected claims 41-44, 46-49 and 62 under 35 U.S.C. § 101.

Applicants respectfully submit that claim 41 has been amended to overcome the rejection. In particular, in the rejection, the Examiner stated “*In this case, the claim does not recite a computer readable medium stored in a computer to perform the method, but a storage medium comprising content, hence the claim is non-statutory*” (see e.g., page 6 of the present Office Action). Applicants have amended claim 41 to recite a system comprising a processor and a storage medium coupled with the processor.

Accordingly, Applicants respectfully requests that the Examiner withdraw the rejection.

### **35 U.S.C. §103(a) Rejection – AAPA, STD 101, Fennel**

The Examiner has rejected claims 23-27, 29-35 and 37-40 under 35 U.S.C. §103(a) as being unpatentable over Applicant Admitted Prior Art (hereinafter “AAPA”) view of PCCA standard STD-101 Annex f “*Data Transmission Systems and Equipment-Serial Asynchronous Automatic Dialing and Control for Character Mode DCE on Wireless Data Services-Annex F: Miscellaneous Commands*”, PCCA, October 1994, pages 1-10 (hereinafter “STD-101”), and U.S. Patent No. 5,418,524 to Fennell (hereinafter “Fennel”) for inherency.

The Applicants respectfully submit that the present claims are allowable over AAPA, STD-101, and Fennel.

Claim 23 recites:

*“A device comprising:*

*a processor;*

*at least one memory coupled to the processor, the at least one memory including instructions to cause the processor to implement a wireless protocol;*

*a RF transceiver coupled to the processor; and*

*an interface coupled to the processor, the interface to receive signals from equipment;*

*wherein the processor is to process the signals received from the equipment over the interface; and*

*wherein the processor is further to process one or more short message service messages received through the RF transceiver from a wireless network, the short message service messages including modem management information; and*

*wherein the modem management information is to allow at least one of remote initialization and remote control of the equipment, wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, a substation monitor, telemetry equipment, a vending machine, and a computer”.*

AAPA, STD-101, and Fennel do not disclose these limitations or render them obvious.

Firstly, AAPA, STD-101, and Fennel do not disclose or render obvious that the modem management information is to allow at least one of **remote initialization and remote control of the equipment, wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, a substation monitor, telemetry equipment, a vending machine, and a computer**. In the response to arguments section of the present Office Action, the Examiner has relied upon +WS51 and +WS54 in STD-101 (see e.g., the bottom of page 2 of the present Office Action). However, Section 4.1.2 on page 3 of STD-101 makes it clear that +WS51 is for Carrier Detect Signal Strength Threshold. A description of +WS51 is “*Sets the nominal signal strength indication that +WS50 must equal or exceed for the currently selected WDS to enable assertion of the RLSD (carrier detect) line when command &CI is in effect*”. Likewise, Section 4.1.5 on page 4 of STD-101 makes it clear that +WS54 is for Carrier Detect Channel Quality Threshold. A description of +WS54 is “*Sets the nominal channel quality indication that +WS53 must equal or exceed for the currently selected WDS to enable assertion of the RLSD (carrier detect) line when command &CI is in effect*”. There is absolutely no disclosure that +WS51 and +WS54 accomplish at least one of **remote initialization and remote control of the equipment, wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, a substation monitor, telemetry equipment, a vending machine, and a computer**. Accordingly, AAPA, STD-101, and Fennel do not disclose or render obvious that the modem management information is to allow at least one of **remote initialization and remote control of the equipment, wherein the equipment is selected from a utility meter,**

a meter concentration point, a utility meter control system, a substation monitor, telemetry equipment, a vending machine, and a computer.

Secondly, as understood by Applicants, AAPA, STD-101, and Fennel do not explicitly disclose that the modem management information is included in one or more **short message service messages**. As understood by Applicants, the Examiner has relied upon STD-101 to reject the modem management information. However, STD-101 does not appear to disclose or even mention **short message service messages**. AAPA discloses a short message service center interface 114, however AAPA does not disclose that a short message service message includes **modem management information**.

Thirdly, as understood by Applicants, AAPA, STD-101, and Fennel do not explicitly disclose that the modem management information is **received through the RF transceiver from a wireless network**. In the Response to Arguments section of the present Office Action, the Examiner has relied upon AAPA as disclosing that the modem management information is received through the RF transceiver from a wireless network (see e.g., the top of page 3 of the present Office Action). Applicants respectfully disagree. FIG. 1 of AAPA shows configuration parameters 120 are passed to the GSM modem 108 over the serial cable 106 from the client computer 104. However, this does not disclose the modem management information is **received through the RF transceiver from a wireless network**. **It would be simply inappropriate to interpret a serial cable as an RF transceiver/wireless network**. Furthermore, AAPA discloses a short message service center interface 114, however there is no disclosure in AAPA that the short message service messages provide **modem management information**. As understood by Applicants, STD-101 and Fennel do not explicitly disclose that the modem management information is **received through the RF transceiver from a wireless network**.

For at least one or more of these reasons, claim 23, and its dependent claims, are believed to be allowable.

Independent claim 32, and its dependent claims, are believed to be allowable for one or more similar reasons.

### **35 U.S.C. §103(a) Rejection – AAPA, STD-101, Cai**

The Examiner has rejected claim 28 under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of STD-101 and further in view of the article “General Packet Radio Services in GSM”, by Cai (hereinafter “Cai”).

Without admitting that these references may be combined, Applicants respectfully submit that the present claims are allowable over AAPA, STD-101, Fennel, and Cai. As discussed above, the independent claims are believed to be allowable over AAPA, STD-101, and Fennel. As understood by Applicants, Cai does not remedy **all** of what is missing from these references for independent claim 23. Accordingly, independent claim 23, as well as dependent claim 28, are believed to be allowable over AAPA, STD-101, and Cai. Applicants elect not to address other aspects of the rejection of this dependent claim at this point.

### **35 U.S.C. §103(a) Rejection – AAPA, STD-101, NTT**

The Examiner has rejected claim 36 under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of STD-101 and further in view of NTT, “Proposal for external interface” (hereinafter “NTT”).

As discussed above, independent claim 32 is believed to be allowable over AAPA, STD-101, and Fennel. As understood by Applicants, NTT does not remedy **all** of what is missing from these references for independent claim 32. Accordingly, independent claim 32 as well as dependent claim 36 are believed to be allowable over AAPA, STD-101, Fennel, and NTT. Applicants elect not to address other aspects of the rejection of this dependent claim at this point.

### 35 U.S.C. §103(a) Rejection – AAPA, STD-101, NTT

The Examiner has rejected claim 63 under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of STD-101 and further in view of NTT.

As discussed above, independent claim 23 is believed to be allowable over AAPA, STD-101, and Fennel. As understood by Applicants, NTT does not remedy **all** of what is missing from these references for independent claim 23. Accordingly, independent claim 23 as well as dependent claim 63 are believed to be allowable over AAPA, STD-101, Fennel, and NTT. Applicants elect not to address other aspects of the rejection of this dependent claim at this point.

### 35 U.S.C. §103(a) Rejection – AAPA, STD-101, NTT

The Examiner has rejected claims 41-44, 46-54, 62 and 64 under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of STD-101 using Fennel for inherency, and further in view of NTT.

Claim 41 recites at least:

*“examine a short message service message that is **received at a RF receiver of a wireless modem from a wireless network for modem management information**;*

*process the short message service message at the wireless modem when the short message service message includes the modem management information, **including handling a request for a call history log**; and*

*pass the short message service message through the wireless modem when the short message service message does not include the modem management information”.*

AAPA, STD-101, Fennel, and NTT do not disclose these limitations or render them obvious.

Firstly, AAPA, STD-101, Fennel, and NTT do not disclose or render obvious processing the short message service message at the wireless modem when the short message service message

includes the **modem management information, including handling a request for a call history log**.

Secondly, as understood by Applicants, AAPA, STD-101, Fennel, and NTT do not explicitly disclose that the modem management information is included in a **short message service message**. STD-101 does not appear to disclose or even mention **short message service messages**. AAPA discloses a short message service center interface 114, however AAPA does not disclose that a short message service message includes **modem management information**.

Thirdly, as understood by Applicants, AAPA, STD-101, Fennel, and NTT do not explicitly disclose that the modem management information is **received at a RF receiver of a wireless modem from a wireless network**. In the Response to Arguments section of the present Office Action, the Examiner has relied upon AAPA as disclosing that the modem management information is received through the RF transceiver from a wireless network (see e.g., the top of page 3 of the present Office Action). Applicants respectfully disagree. FIG. 1 of AAPA shows configuration parameters 120 are passed to the GSM modem 108 over the serial cable 106 from the client computer 104. However, this does not disclose the modem management information is **received through the RF transceiver from a wireless network**. It would be simply inappropriate to interpret a serial cable as an RF transceiver/wireless network. Furthermore, AAPA discloses a short message service center interface 114, however there is no disclosure in AAPA that the short message service messages provide **modem management information**. Accordingly, as understood by Applicants, AAPA, STD-101, Fennel, and NTT do not explicitly disclose that the modem management information is **received through the RF transceiver from a wireless network**.

For at least one or more of these reasons, claim 41, and its dependent claims, are believed to be allowable.

Independent claim 50, and its dependent claims, are believed to be allowable for one or more similar reasons.

### **35 U.S.C. §103(a) Rejection – AAPA, STD-101, NTT, and Cai**

The Examiner has rejected claim 55 under 35 U.S.C. §103(a) as being unpatentable over AAPA, STD-101, Fennel, and NTT as applied to claim 50 above, and further in view of Cai.

As discussed above, independent claim 50 is believed to be allowable over AAPA and STD-101, and NTT. As understood by Applicants, Cai does not remedy **all** of what is missing from these references for independent claim 50. Accordingly, independent claim 50 as well as dependent claim 55 are believed to be allowable. Applicants elect not to address other aspects of the rejection of this dependent claim at this point.



### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the cited art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

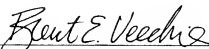
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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By



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